

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION

TRUSTEES OF THE CHICAGO PAINTERS AND
 DECORATORS PENSION FUND, et al

Plaintiffs,

vs.

R. E. RUSSELL PAINTING COMPANY, INC., an
 Illinois corporation,

Defendant.

)
)
) 08 C 1303
) Judge Manning
)
)
) Magistrate Judge Schenkier
)
)
)

AFFIDAVIT OF HOWARD LEVINSON

HOWARD LEVINSON, upon being first duly sworn, deposes and states as follows:

1. Affiant is a certified public accountant and one of principals of Levinson, Simon & Sprung, P.C., an accounting firm (the "company").
2. The Plaintiffs requested the company to perform a fringe benefit contribution compliance audit on the books and records of the defendant for the audit period from January 1, 2006 through August 31, 2007. The audit encompassed the comparison of individual earnings records to certain payroll tax to fund reports and a review of the general disbursement records.
3. The audit for the period ending disclosed that the employer owed contributions in the amount of \$284.96.
4. Pursuant to the collective bargaining agreements and trust agreements which established the Funds, liquidated damages are due in the amounts of ten and fifteen (15) percent, respectively. I have computed the ten percent amount to be \$28.49.
5. The same collective bargaining agreements and trust agreements require delinquent employers to bear the audit costs. The company charged the Funds \$965.00 to complete this audit.

6. The total due and owing to the Funds, consisting of the amounts listed in paragraphs 3 through 5 is **\$1,278.45**.

7. I have also reviewed the Funds records, which discloses that the defendant owes the amount of **\$8,823.12** for unpaid liquidated damages that have not been paid to the Funds for work months form February through May, 2006; August 2006 through February, 2007, and April, 2007.

8. The total due and owing to the Funds, consisting of the amounts listed in paragraph 6 and 7 is **\$10,101.57**.


HOWARD LEVINSON

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21 DAY OF May, 2008.


NOTARY PUBLIC

